

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

RAUL MATA

Plaintiff,

v.

FLATIRON/Dragados, LLC

Defendant.

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CIVIL ACTION NO. _____

DEFENDANT’S NOTICE OF REMOVAL

Pursuant to 28 U.S.C. § 1441(a), Defendant Flatiron/Dragados, LLC (“Defendant”), removes the Petition filed by Plaintiff Raul Mata (“Plaintiff”) in the County Court at Law No. 2, Nueces County, Texas as follows:

1. On April 22, 2021, Plaintiff filed a petition in an action entitled *Raul Mata v. Flatiron/Dragados, LLC*, in the County Court at Law No. 2, Nueces County, Texas; Cause No. 2021CCV-60476-2 (the “State Action”). Plaintiff filed his petition in the State Action seeking to recover damages for alleged violations of Chapter 21 of the Texas Labor Code. Defendant’s Index of Documents for Removal is attached as Exhibit A. True and correct copies of Plaintiff’s Original Petition, and any other pleadings or orders on file in the State Action are attached hereto as Exhibits A-1 – A-4.

2. Defendant was served with process in the State Action on April 30, 2021, and this Notice of Removal is timely filed pursuant to 28 U.S.C. § 1446(b).

3. The basis for this Court’s jurisdiction and the removal of this case to this Court is 28 U.S.C. § 1332. Plaintiff is an individual and a citizen of Texas. (*See* Plaintiff’s Original Petition ¶ 2). Defendant, Flatiron/Dragados, LLC is a limited liability company

organized under the laws of Delaware. (Exhibit B, Declaration of Bartolome Hugo Fontirroig (“Fontirroig decl.”) ¶ 3). The citizenship of a limited liability company for diversity purposes is determined by the citizenship of all its members. *See, e.g., Harvey v. Grey Wolf Drilling Co.*, 542 F.3d 1077, 1080 (5th Cir. 2008). The members of Flatiron/Dragados, LLC are Dragados USA, Inc. (“DUSA”) and Flatiron Constructors, Inc. (“Flatiron”). (Fontirroig decl. ¶ 3). DUSA is a corporation incorporated in Delaware, with its principal place of business located in New York. (Fontirroig decl. ¶ 3). Flatiron is a corporation incorporated in Delaware, with its principal place of business located in Colorado. (Fontirroig decl. ¶ 3). For diversity purposes, a corporation is a citizen of both the state in which it is incorporated and the state where it has its principal place of business. 28 U.S.C. § 1332(c)(1). Thus, DUSA is a citizen of Delaware and New York, and Flatiron is a citizen of Delaware and Colorado. Because none of the members of Flatiron/Dragados, LLC are citizens of Texas, complete diversity exists between Plaintiff and Flatiron/Dragados, LLC pursuant to 28 U.S.C. § 1332. Additionally, the amount in controversy exceeds \$75,000. The “Remedies Requested” section of Plaintiff’s Petition states that Plaintiff “selects the range in Texas Rule of Civil Procedure 47(c)(3) and 47(c)(4).” (*See* Plaintiff’s Original Petition ¶ 6). Pursuant to the monetary relief ranges set forth in Texas Rule of Civil Procedure 47(c)(3) and 47(c)(4), Plaintiff seeks monetary relief over \$250,000 but not more than \$1,000,000 and monetary relief over \$1,000,000. Tex. R. Civ. P. 47(c)(3), (c)(4). Additionally, the Petition states that Plaintiff seeks to recover, among other things, actual damages, compensatory damages, punitive damages, and attorneys’ fees. (*See* Plaintiff’s Original Petition ¶ VII). The statements of the relief sought in the Petition make clear that the amount in controversy is more than \$75,000. *See, e.g., Singleton v. Liberty Cty. Mut. Ins. Co.*, No. 3:19-CV-0330-B, 2019 U.S. Dist. LEXIS 81512, at *3 (N.D. Tex. May 15, 2019) (holding that a state-

court petition stating that plaintiff sought monetary relief over \$200,000 but not more than \$1,000,000 and sought multiple categories of relief, including exemplary damages, mental anguish damages, and attorneys' fees met the federal jurisdictional threshold); *Acosta v. Drury Inns, Inc.*, 400 F. Supp. 2d 916 (W.D. Tex. 2005) (holding that it was facially apparent that claim exceeded federal jurisdictional limits, because plaintiff sued for actual damages, compensatory damages, emotional distress, punitive damages and attorneys' fees under Texas Labor Code Chapter 21, even though petition did not state amount plaintiff sought). Based on the complete diversity of citizenship between the parties and the amount in controversy, jurisdiction is proper under 28 U.S.C. § 1332.

5. Defendant has or will promptly file a true and correct copy of this Notice of Removal with the Clerk of the County Court at Law No. 2, Nueces County, Texas, as required by 28 U.S.C. § 1446(d).

6. The following is a list of counsel of record for the parties:

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Counsel for Plaintiff

For these reasons, Defendant requests that the above-styled action, pending in the County Court at Law No. 2, Nueces County, Texas, be removed to the United States District Court for the Southern District of Texas, Corpus Christi Division.

Respectfully submitted,

By: /s/ Victor N. Corpuz
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ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that the foregoing document has been served by filing with the ECF filing system on May 24, 2021 which will cause service to be made upon the following:

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